

Tippecanoe County Drainage Board
Minutes
February 2, 2006
Regular Meeting

Those present were:

Tippecanoe County Drainage Board President KD Benson, Vice President John Knochel, member Ruth Shedd, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, Drainage Board Secretary Brenda Garrison and GIS Technician Shelli Muller.

Approval of Minutes

John Knochel made a motion to approve the January 11, 2006 Drainage Board minutes with the change of year's date from 2005 to 2006. Ruth Shedd seconded the motion. The January 11, 2006 Drainage Board minutes were approved with the change as aforementioned.

Avalon Bluff Section 3

Brandon Fulk appeared before the Board to request final approval for Avalon Bluff Section 3. The site consisted of thirty-five acres with approximately 105 lots and located at County Road 500 South and County Road 250 East (Concord Road). Section Three was located in the southern part of the overall development. Brandon stated letters were received from downstream landowners and their concerns had been addressed in the overall design. (The downstream landowners desired to maintain the quantity and quality of water discharging to their pond systems.) Observation was completed and documented (at the request of the Surveyor's office) concerning the pond discharge south of CR 500 South and downstream through the agricultural fields via Kenny ditch to Wea Creek as well as the flow through Concord Place and the Mieher property. The detention facility was roughly twice the required size as the historical overtopping of Concord Road was considered in their plan. A chamber system was designed for maintenance at the pond outfall. Brandon stated they concurred with the January 25, 2006 Burke memo and requested final approval. KD asked for public comment.

Russ Tarter 5729 South 200 East Lafayette Indiana 47909 presented pictures of flooding from a large rainfall event in 2004. Robert Mieher 1915 Wea School Road Lafayette Indiana 47909 approached the Board. He stated he did not have a "happy history" with the County regarding drainage. He had granted the county permission to cut through his "only large field" to straighten Wea School Road. Subsequently the gravel road became part of his property. Old ceramic broken down tile was located where the drainage ditch outlet into Wea Creek. There was a six to eight foot drop at that location and the tile fell in. He stated the twelve inch culvert was never adequate for the drainage as water historically overflowed Wea School Road. Approximately twenty years ago, the County cleared out the trees and vegetation between Wea School Road and Wea Creek without informing him. Within a year the ditch had eroded to Wea School Road. He contacted the County and was told it was his property and responsibility. Mr. Mieher stated the School Road was paved in approximately the 1960's and the clearing approximately 1985. Dave Eichelberger stated according to the ordinance, they could have released approx. 15 cfs which would have been a reduction of the existing condition. Since the 12 inch culvert under Concord Road could not handle that, they reduced the flow to 3.6 cfs. This resulted in the larger pond size. The anticipation was a lower flow rate in the ditch and should improve the drainage in that area. Ted Reihle 2214 Aberdeen Way Lafayette Indiana 47909 approached the Board and asked if drainage would be affected at his location. Mr. Reihle's property would not be affected by this plan. He felt the drainage system would not handle any additional drainage. GIS was utilized to review the area in question. Brandon stated at times when notifying downstream landowners they may stretch the notification. The Surveyor stated the Engineer Review memos were now on the website so landowners notified could review the memos before the meeting. Brandon stated that the project site did not drain to the JN Kirkpatrick Regulated Drain. KD asked if the pond owner was present and in agreement with the plan. Greg Boesch 4500 East 700 South Lafayette Indiana 47909 stated it was his understanding the drainage plan as designed would not add to or take from the existing downstream pond. The Surveyor noted there would be a slight decrease in water quantity due to the Hunters Crest Project's drainage which the Schneider Corporation was presently working on. Dave Eichelberger stated the reduction to the pond was approximately three or four percent less than the current amount of water to the pond. The larger impact to the pond would be Hunters Crest project as it consisted of approx. eighty percent of the watershed and the project at hand represented about twenty percent of the watershed. Dave Eichelberger stated the Schneider Corporation was aware of Mr. Boesch's concerns and looking at the water quantity and quality. While the release rate was above the allowable amount and less than the existing rate technically a variance was required. Brandon

agreed and requested a variance based on the tables within the ordinance for allowable release rate on the proposed conditions utilizing the existing flows as a maximum perimeter. The Surveyor recommended a variance of the release rate in the southeast corner of the subject development. John Knochel made a motion to grant the variance of the release rate for Avalon Bluffs Section Three relating to the southeast corner of the property. Ruth Shedd seconded the motion. The variance was granted as recommended. The Surveyor recommended final approval with the conditions as stated on the January 25, 2006 Burke memo. John Knochel made a motion to grant final approval with the conditions as stated on the January 25, 2006 Burke memo. Ruth Shedd seconded the motion. Avalon Bluffs Section Three was granted final approval with the conditions as stated on the January 25, 2006 Burke memo.

Concord Plaza Lot 2

Brandon Fulk of Schneider Engineering Corporation appeared before the Board to request final approval of Concord Plaza Lot 2. The site was located at the southwest corner of County Road 350 South and County Road 250 East (Concord Road) and consisted of 6.5 acres within the Wal Mart Super Center master plan west of Wal Mart Supercenter. The project was designed to adhere to the drainage plan submitted for the Super Center site. Brandon stated water quantity and quality was taken into account for this portion of the site as well. He requested final approval at that time. The Surveyor noted Promenade Parkway was platted and designed as part of Stones Crossing Commercial Subdivision. At that time Branch #5 of the JN Kirkpatrick Regulated Drain cut across that area. The branch was intercepted within the thirty foot easement and reconstructed on their property at their own expense at that location while providing a route for the new storm sewer which served the roadway. A stretch of the branch was vacated by Wal Mart and taken in along the east side into their storm sewer system. In addition, Branch #5 of the JN Kirkpatrick Regulated Drain had been intercepted further upstream and relocated. The vacated portion of the Branch #5 JN Kirkpatrick Regulated drain was technically a still considered a Regulated Drain, however did not serve as a regulated drain any longer. Formal steps were warranted to remove it as a regulated drain from the record; however it does serve the roadway. The road has a sixty- foot road right of way and a thirty foot drainage (regulated drain) easement. Some of the parking area would be within the thirty-foot easement. The Surveyor stated his office as well as the highway department did not object to the said use of the easement. He wanted the Board to be aware of the anomaly as he thought the developer of Stones Crossing would be required to request a vacation of that portion of Branch #5 of the JN Kirkpatrick Regulated Drain. Board Attorney Dave Luhman stated either the landowner could request the vacation or the Surveyor could include the recommendation with his annual classification report to the Board. The Surveyor stated his recommendation would be to remove the regulated drain status and let it exist as a storm sewer within a platted drainage easement due the service to the public road. The Surveyor then recommended final approval with the conditions as stated on the January 30th, 2006 Burke memo. John Knochel made a motion to grant final approval with the conditions as listed on the January 30th, 2006 Burke memo. Ruth Shedd seconded the motion. Concord Plaza Lot 2 was granted final approval with conditions as stated. The vacated portion of Branch #5 would be addressed at a later date.

Lafayette Pavilions Phase 2

Ryan McCroskey with Woolpert Inc. appeared before the Board to request final approval for Lafayette Pavilions Phase 2. The site consisted of approximately twenty-one acres and was located at the southwest corner of State Road 26 and Creasy Lane within the City of Lafayette. The Surveyor noted this project outlet to the Wilson Branch (aka Treece Meadow Relief Drain) of the S.W. Elliott Regulated Drain via a culvert under Creasy Lane and the Board would be looking at the impact to the regulated drain only. The master drainage plan was previously approved on July 6, 2005 by the Board. The phase was remodeled at the engineer consultant's request. The revised release rate was less than originally approved. The configuration of the storm and model was 17 cfs which was less than the allowable 24 cfs. Ryan requested final approval. The Surveyor recommended final approval for the Lafayette Pavilions Phase 2 with the conditions as stated on the January 27, 2006 Burke memo. While the project was inside the city, he stressed the importance of erosion control. He was concerned silt would not migrate through the Wilson Branch of the SW Elliott Regulated Drain. John Knochel made a motion to grant final approval with the conditions as stated on the January 27, 2005 Burke memo. Ruth Shedd seconded the motion. Lafayette Pavilions Phase 2 was granted final approval with the conditions as stated.

New North Middle School (AKA Battleground Middle School)

Pat Jarboe of TBIRD Designs Inc. appeared before the Board to request final approval for the New North Middle School. The site consisted of fifty acres and was located on the northwest corner of County Road 50 West and County Road 600 North. Pat stated this project was initially brought before the Board at the January meeting. The challenge of this project was the existing watershed to the north as well as future development of the area. Concerns pertaining to the Fred Haffner Regulated Drain had been reviewed and studied. He stated the site layout had not changed since last month's presentation. There were three inline ponds, as every square foot that could be accommodated for storage was utilized to minimize downstream impact. The emergency flow characteristics onsite were now in the existing emergency routing channels. (What went to the east prior to this project would continue to go the east. What went to the south prior to the project would go the south.) What was within the Fred Haffner Regulated Drain watershed would stay in the said watershed even during emergency routing conditions. Pat stated in none clogged conditions the site would contain up to a five hundred year storm event onsite, before emergency routes were utilized, and was an improvement over existing conditions. Regarding the Fred Haffner Regulated Drain there were several improvements; one of which was the inline pond system. He thought this would be relocation or a reconstruction of the legal drain with the said inline ponds becoming a part of the drain. Improvements on the Hal and Barb Webster's property were planned. Note: Hal & Barb Webster were in attendance at the January meeting, however absent at the present meeting. Pat stated they agreed with the conditions on the January 30, 2006 Burke memo as well as a letter from the County Highway department and were addressing those comments. The variances requested were as follows: 1. Dry detention ponds onsite depth- variance to exceed depth requirement by approximately a foot (Approaching five feet during hundred year storm event) 2. Release rate from the site during hundred year event under County Road 600 North (within Fred Haffner Regulated Drain) -variance for increased release rate 3. Overflow rate for emergency routing (hundred year storm event) - variance for increased overflow rate 4. Existing Flow restrictions (Fred Haffner Regulated Drain – 24 inch culvert modification required under County Road 600 North) – variance for increased flow 5. Pipe openings size - variance for larger grate opening for entire site (potential for clogging due to agricultural watershed) 6. Pond D Quality issue (total sediment removal requirement-80%) - variance for the total percentage-72% of sediment removal: for this area only. Pat added he also requested the relocation of the Fred Haffner Regulated Drain- onsite only. Pat stated Variance # 3 and #4 could be combined to one request, which would make a total of 5 variances requested. He then requested final approval pending the approval of the requested variances.

KD asked if there was a signed document from the Websters stating they had no objections to this plan. Mark Deyoung, Attorney for Tippecanoe School Corporation approached the Board. He stated the Websters were presently in Australia and were satisfied with the proposed improvements through their property and the Board's discussion held last month. He stated a document had not been prepared as he felt it was not required under the circumstances. Another meeting with the Websters would be held before construction started. Any required signatures would be obtained at that time; he stated the Websters had been very cooperative throughout the process. The School Corporation believed the proposed improvements were within the area legally authorized for said improvements. The Board's Attorney stated while the board was not required to obtain the consent of a downstream landowner; they did have to insure the landowners were notified and had the opportunity to object. KD then noted the Websters were present at the January meeting. Pat stated he concurred with Mark Deyoung as the Websters were anxious to have the improvements done on their property. The engineer consultants requested data from TBIRD showing results if the drain was in a clogged condition. The drainage plan's design indicated there would be no water running through their property up to a five hundred year event. It would be through the underground pipe which outlet at the existing headwall. The Websters should not see any water on their property with this design unless the pipe was in a clogged state. Clogged condition criteria were requested. A barrier was added to the design at the north end of the property to catch some of the debris before entering the site lessening the amount of debris through the site.

The Surveyor stated he felt it best to discuss the Resolution to declare the Fred Haffner Regulated Drain an Impact Area. He stated he had discussed this with the Board Attorney and was not prepared for the resolution to be passed today however felt it prudent to bring it to the Board's attention. Declaring the Fred Haffner Regulated Drain Watershed an Impact area allowed for increased requirements within that area. As that area was developed, the School Corporation could possibly recoup some of their investment as the improvements would not solely serve the School Corporation. The cost of improvements would be substantial and there was no guarantee other than goodwill they would be shared by developers within that area. GIS was utilized at that time to review the drain watershed area. He stated there were a couple of options in this instance. He could declare it an Urban Drain meaning it was in need of reconstruction, Declare the area an Impact area and he felt this was the best option. The School Corporation were the first developers north of County Road 600 North to have to deal with the fact the Fred Haffner tile and the culvert under County Road 600 North were not adequate to convey water from that area. The Attorney noted declaring it a Drainage Impact Area allowed more flexibility in requirements which might be imposed on developers within the watershed. An example would be the required participation in regional detention pond storage fees.

The Surveyor noted if this was declared an impact area it would not increase the School Corporation's responsibilities over and above what was agreed to today. In response to KD Benson's inquiry, the Surveyor stated everything above County Road 600 North would be included in the impact area and possibly extend to its terminus. The Surveyor noted he wanted to discuss this in principle and did not expect a ruling today.

The Surveyor stated with the exception of the five foot depth pond variance, the site had dictated granting of the variances. He stated there were instances where the designer had done everything reasonably possible to meet the ordinance sediment removal percentage requirements. He felt they had provisions in place which would substantially improve the water quality. After a meeting held with TBIRD and Dave Eichelberger it was determined they could not meet the eighty percent sediment removal requirement. He noted at the corner of the parking lot runoff sheet flowed to the pond. A vegetative strip would be placed in that area. The site's overall percentage of sediment removal was close to ninety which exceeded the ordinance requirement. In response to KD Benson's concern of the variance, Pat stated his focus was to allow no impact greater than point one foot (a tenth of a foot) on the downstream portion of the Haffner drain. This dictated pushing up the depth of the dry bottom pond. The edge of the pond would have a five to one side as the five foot depth would be close to the middle of the pond.

The Surveyor stated he was prepared to recommend granting the variances listed as numbers 1,3 and 6 in the January 30, 2006 Burke memo as well as the pond depth variance. Mark Young asked if there was an inconsistency between the four listed and the 6 requested. The Surveyor noted there was not. The Board Attorney then stated the variances should be granted separately for clarification. John Knochel then made a motion to allow the 5 foot maximum dry pond depth on the southwest corner as requested. Ruth Shedd seconded the motion. John Knochel made a motion to grant a variance for larger openings on the ponds A, B, D and addressed in the memo and condition #3. Ruth Shedd seconded the motion. John Knochel made a motion to grant a variance concerning the release rates and addressed as condition #1 on said memo as well as the requested flow restriction variance. Ruth Shedd seconded the motion. John Knochel made a motion to grant a variance addressed as condition #6 in the said memo. Ruth Shedd seconded the motion. Dave Eichelberger noted the emergency routing plan was addressed in the overall plan and would not need a variance. The variances were granted as requested. The Surveyor then stated as the regulated drain would be relocated through the ponds the developer was aware of the maintenance responsibility of the relocated drain on their property. As it was the Tippecanoe School Corporation's property and time was crucial for costs etc. there were still details to be worked out but was confident it would be done. John Knochel made a motion to approve the relocation of the Haffner Regulated Drain through the applicant's site subject to the Surveyor's approval of the final plans as well as the reconstruction through the Webster's property south of County Road 600 North. Ruth Shedd seconded the motion. The relocation was granted as requested. The Surveyor then recommended final approval with the conditions as stated on the January 30, 2006 memo for Battleground Middle School (aka New North Middle School). John Knochel made a motion to grant final approval with the conditions as stated on the January 30, 2006 memo for Battleground Middle School (aka New North Middle School). Ruth Shedd seconded the motion. The Battleground Middle School (aka New North Middle School) was granted final approval with conditions as stated.

Other Business

The Surveyor presented a Petition to Encroach on a County Regulated Drain Easement with a private drive crossing and culvert on the Delphine Anson Regulated Drain west of County Road 100West submitted to his office by Ernest Agee. He recommended granting the Petition as presented. John Knochel made a motion to approve the Petition as presented by the Surveyor. Ruth Shedd seconded the motion. The Petition to Encroach on a County Regulated Drain Easement with a private drive crossing and culvert on the Delphine Anson Regulated Drain west of County Road 100West submitted by Ernest Agee was approved.

2006 Contracts

Legal Services Contract and Engineering Consultation Services

The Surveyor recommended the Board approve the 2006 Legal Services Contract as presented. John Knochel made a motion to approve the contract with the legal firm of Hoffman, Luhman and Masson. Ruth Shedd seconded the motion. The contract was approved. The Surveyor presented the 2006 contract for Engineer Consultation fees with Christopher B. Burke Engineering and recommended approval. John Knochel made a motion to approve the contract as presented. Ruth Shedd seconded the motion. The contract for professional engineering consultation with Christopher B. Burke was approved as presented.

2006 Drain Regulated Drain Status List

The Surveyor presented the 2006 Regulated Drain active/inactive list and recommended its acceptance by the Board. John Knochel made a motion to approve the 2006 Regulated Drain active/inactive list as presented. Ruth Shedd seconded the motion. The 2006 Regulated Drain Active and Inactive list as presented by the Surveyor was approved. The list would be included in the official minutes book immediately following the official minutes of this meeting.

Steve Murray Drain Classification Report

The Surveyor informed the Board he would be submitting his Drain Classification Report at the next meeting depending on the number of items on the Agenda. He noted last year a special meeting was held for the report. March 8, 2006 would be the next meeting.

KD Benson asked for public comment. As there was no other business before the Board, John Knochel made a motion to adjourn. Ruth Shedd seconded the motion. The meeting was adjourned.

KD Benson, President

John Knochel, Vice President

Brenda Garrison, Secretary

Ruth Shedd, Member